

Remarks

The Office Action mailed October 10, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-23 are now pending in this application. Claims 7-10, 18 and 23 stand rejected. Claims 11, 12, 15 and 19-23 stand objected to.

The objection to the drawings is respectfully traversed.

With respect to the comments in the Response to Arguments section of the Office Action, Applicants acknowledge a practical necessity of associating claims with figures of an application in certain instances during examination of applications. However, Applicants contend that the basis for the objection to the drawings is 37 C.F.R. § 1.83(a) which states only that the drawings must show every feature specified in the claims. The application as filed clearly meets this requirement, as Figure 9 of the application illustrates first and second primary fuse links connected in parallel.

Applicant respectfully submits that the alleged rights set forth in the Office Action to associate certain claims with certain figures under 35 U.S.C. § 121 or 35 U.S.C. § 112 is believed to be misplaced. Neither § 121 nor § 112 authorize an objection to the drawings, and neither § 121 nor § 112 is presently invoked in the case. Only 37 C.F.R. § 1.83(a) provides a basis to object to the drawings, and as noted above, it is respectfully submitted that the drawings fully comply with 37 C.F.R. § 1.83(a).

Still further, with respect to Examiner's right to request an election of species, the indicated allowability of claims 1 and 13, which are each generic to the embodiments in Figures 1-6 and Figure 9 with respect to the claimed feature at issue, appears to undermine the Examiner's position. Even if the request for an election of species with respect to the single primary fuse link and double primary fuse link embodiments had been made, the allowance of

generic claims 1 and 13 entitles the applicant to each of the species claimed in the application, including the embodiment of Figure 9, and the association of certain claims with certain figures is rendered moot.

Additionally, given the position set forth in the Office Action with respect to the drawings, it is not clear how Applicants could present a corrected drawing to overcome the objection. As Figure 9 illustrates an embodiment having first and second primary fuse links connected in parallel per the instant claims but is deemed deficient per the objection to the drawings, it is not clear how first and second fuse links connected in parallel could be illustrated without presenting an embodiment that would either be equated with the embodiment of Figure 9 and thus deemed to be another species of the invention, or without presenting an embodiment that would be deemed still another species of the invention in addition to the embodiments illustrated in Figures 1-6 and Figure 9.

Finally, Applicants submit that requirement to correct the drawings to illustrate first and second primary fuse links in the embodiments of Figures 1-6 is essentially a mandate to illustrate a feature which the embodiment of Figures 1-6 does not include and for which it is not designed. Thus, any proposed correction to Figures 1-6 would be submitted to be technically inaccurate and potentially misleading to those in the art.

For all the above reasons, Applicants submit that the objection to the drawings is untenable and imposes an unreasonable burden on the Applicant to pursue patent protection which is believed to be entitled.

Applicants accordingly request that the objection to the drawings be reconsidered and withdrawn.

The rejection of claims 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by Poehlman (U.S. Patent No. 3,432,789) is respectfully traversed.

Poehlman describes a fuseholder including a cap (1) including fuse clips (10) including curved portions (15), (19) for receiving the ferrules (B), (C) of a cartridge fuse (A). The fuse clips (10) each include an end portion (21) extending from the curved portion (19). The cap (1) encloses a body (28) containing contact springs (42) therein, and the end portions (21) of the fuse clips (10) make contact with the contact springs (42) when the cap (1) is fitted onto the body (28). Drive pins (11) extend upwardly from a bottom of the fuse clips (10) into the cap (1), and a neon or incandescent lamp (22) is connected between the drive pins (11).

Claim 7 has been amended for clarity and recites, among other things, a fused disconnect switch comprising "a retractable fuse comprising a fuse housing containing a primary fuse link, and first and second fuse terminals extending from said fuse housing, said primary fuse link mechanically and electrically connected to said first and second fuse terminals, and an open circuit indication device within said fuse housing and mechanically and electrically connected to said first and second fuse terminals, wherein at least a portion of said retractable fuse housing is exposed from an exterior of said switch housing assembly when said retractable fuse is electrically coupled to said switch housing assembly, said retractable fuse being removably engageable with said switch housing assembly via said exposed portion."

Poehlman does not describe or suggest the retractable fuse recited in claim 7. The Poehlman cap (1), which is equated in the Office Action with the recited fuse housing, does not include terminals mechanically and electrically connected to a primary fuse link in the fuse (A). Rather, the primary fuse link is mechanically connected to the ferrules (B), (C) of the fuse (A), and the ferrules (B), (C) are received in the fuse clips (10). The fuse clips (10) are therefore not mechanically connected to the primary fuse link of the fuse.

Moreover, it is evident the housing and ferrules (B), (C) of the Poehlman fuses (A) are not exposed when the fuses are electrically coupled to the fuse holder, and the Poehlman fuses are not accessible or retractable when the cap is connected to the fuseholder to engage the fuses. Rather, the fuses may only be disengaged and removed by removing the cap (1). Further, the

lamp (22) described by Poehlman is external to the cartridge fuses (A), and is not mechanically and electrically connected to the ferrules of the cartridge fuses. Rather, the lamp is connected to drive pins which contact fuse clips, which in turn, contact the ferrules of the fuse.

For the reasons set forth above, claim 7 is submitted to be neither described nor suggested by Poehlman, and accordingly it is submitted that claim 7 is patentable over Poehlman.

Claim 8 depends, directly or indirectly, from independent claim 7. When the recitations of claim 8 are considered in combination with the recitations of claim 7, Applicants submit that dependent claim 8 likewise is patentable over Poehlman.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of claims 7 and 8 be withdrawn.

The rejection of claim 18 under 35 U.S.C. § 102(b) as being anticipated by Tanigawa (U.S. Patent No. 5,755,940) is respectfully traversed.

Tanigawa describes a card-type connector which may include a fuse (10). The fuse (10) includes a circuit board (20) and fusible elements (21) extending upon opposite surfaces of the board. The fuse may be inserted into a socket (50) having an aperture (51). Terminals (52) of the socket (50) make contact with the conductive fusible elements (21) of the fuse (10).

Claim 18 recites a fused disconnect switch comprising a switch housing comprising a receptacle for removable engagement with a fuse, first and second line-side contact assemblies extending from said fuse receptacle, and first and second load-side contact assemblies extending from said fuse receptacle; "wherein said fuse comprises a fuse housing, a first primary fuse link extending interior to and enclosed by said fuse housing between said first line-side contact assembly and said first load-side contact assembly and a second primary fuse link extending interior to and enclosed by said fuse housing between said second line-side contact assembly and said second load-side contact assembly."

It is respectfully submitted that Tanigawa neither describes nor suggests the disconnect switch recited in claim 18. In the connector of Tanigawa, the fusible elements (21) are necessarily exposed on the surfaces of the board (10) in order to make contact with the terminals (52) of the socket (50). Thus, Tanigawa does not describe a fuse having first and second primary fuse links extending interior to and enclosed by a housing of the fuse. Rather, in the card-type connector of Tanigawa, the fusible elements (21) by definition extend exterior to the fuse and are exposed for connection to the terminals (52) of the socket (50). The fusible elements (21) are not enclosed by a housing of the fuse.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of claim 18 be withdrawn.

The rejection of claim 10 under 35 U.S.C. § 103 as being unpatentable over Poehlman is respectfully traversed.

Claim 10 depends from independent claim 7, which for the reasons set forth above is submitted to be patentable over Poehlman. When the recitations of claim 10 are considered in combination with the recitations of claim 7, Applicants submit that dependent claim 10 likewise is patentable over Poehlman.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claim 10 be withdrawn.

The rejection of claim 9 under 35 U.S.C. § 103 as being unpatentable over Poehlman in view of LeVantine (U.S. Patent No. 6,002,580) is respectfully traversed.

Poehlman is described above, and for the reasons set forth above is not believed to describe or suggest the present invention.

LeVantine et al. describes a circuit breaker power distribution panel devoid of fuses, and is not believed to cure the deficiencies of the Poehlman reference with respect to the instant invention.

Claim 9 depends from claim which 7 is submitted to be patentable over Poehlman for the reasons set forth above. LeVantine does not describe fuses and therefore is submitted to add nothing to the Poehlman reference with respect to claim 7. Claim 7 is therefore submitted to be patentable over Poehlman in view of LeVantine. When the recitations of claim 9 are considered in combination with the recitations of claim 7, Applicants submit that claim 9 is likewise patentable over Poehlman in view of LeVantine.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claim 9 be withdrawn.

The rejection of claim 23 under 35 U.S.C. § 103 as being unpatentable over Tanigawa in view of Marach et al. (U.S. Patent No. 5,355,274) is respectfully traversed.

Claim 23 depends from claim 18 which is submitted to be patentable over Tanigawa for the reasons set forth above. It is respectfully submitted that Marach et al. adds nothing to the teaching of Tanigawa with respect to the instant invention.

Marach et al., like the card-type connector of Tanigawa, nowhere describes or suggests a fuse including a housing and first and second primary fuse links extending interior to and enclosed by the housing of the fuse, with the first and second primary fuse links extending between respective line-side and load-side contact assemblies of a switch housing. It is therefore submitted that the combination of Marach et al. and Tanigawa et al. collectively fail to teach or suggest each limitation of claim 18. Claim 18 is therefore submitted to be patentable over Tanigawa in view of Marach et al, and when the recitations of claim 23 are considered in

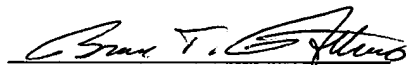
combination with the recitations of claim 18, claim 23 is likewise submitted to be patentable over Tanigawa in view of Marach et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claim 23 be withdrawn.

The objection to claims 11, 12, 15 and 19-23 as being dependent upon rejected base claims is respectfully traversed. For the reasons set forth above it is submitted that the respective base claims (claims 7 and 18) are patentable over the cited art. Applicants accordingly request that the objection to claims 11, 12, 15 and 19-23 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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